

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IN RE DEANDRE HAWINS,

Plaintiff.

Case No. 3:21-cv-00383-MMD-CLB

ORDER

Pro se Plaintiff DeAndre Hawkins filed an application to proceed *in forma pauperis* (“IFP application”) and a blank complaint form on August 26, 2021. (ECF Nos. 1, 1-1.) On September 27, 2021, the Court informed Hawkins that he must file a completed complaint form to proceed with this action, mailed him the appropriate form, and gave him until October 27, 2021, to do so. (ECF No. 3.) Hawkins did not file a timely complaint.

Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 5), recommending the Court deny Hawkins’ IFP application and dismiss this action without prejudice, as Hawkins has failed to file a timely complaint. Hawkins had until November 16, 2021, to file an objection. On November 18, 2021, Hawkins filed a motion to extend time, in which he explained that he was trying to comply with the Court’s September 27 order but had not received the appropriate form. (ECF No. 6 (“Motion”).) Hawkins requested guidance about what is required of him, and for direction on where to find the appropriate form. The Court construes Hawkins’ Motion as an objection to the R&R.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and

1 recommendations is required if, but *only* if, one or both parties file objections to the
2 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory
3 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
4 clear error on the face of the record in order to accept the recommendation.”).

5 Although Hawkins did not timely file a complaint in accordance with the September
6 27 order, the Court accepts Hawkins’ assertion that he is attempting to comply with the
7 Court’s order. The Court will therefore reject the R&R to permit Hawkins a final chance to
8 file a completed complaint. The Court directs Hawkins to the District Court’s website,
9 which has guidance for *pro se* litigants.¹ Although the Clerk of Court has already mailed
10 Hawkins the appropriate forms, Hawkins states he did not receive them. The Court will
11 again direct the Clerk of Court to send Hawkins a Civil Complaint Form, which may also
12 be found online at:
13 https://www.uscourts.gov/sites/default/files/complaint_for_a_civil_case.pdf. Hawkins is
14 further instructed that it is his responsibility to keep the Court apprised of his current
15 address. See Local Rule IA 3-1.

16 Hawkins also claims he has already filled out several forms and has written out the
17 details of his case. However, the only complaint the Court has received from Hawkins did
18 not contain information about any defendants, any facts, or any claims asserted. (ECF
19 No. 1-1.) If Hawkins wishes to proceed with this action, he must file a completed complaint
20 form that clearly sets forth facts that support claims against specific, named defendants.
21 Hawkins must file a completed complaint no later than December 20, 2021, if he wishes
22 to proceed. If no complaint is received by that date, the Court will dismiss this action.

23 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
24 No. 5) is rejected.

25 It is further ordered that a decision on Hawkins’ application to proceed *in forma*
26 *pauperis* (ECF No. 1) is deferred.

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28 ¹For example, the Court provides several helpful links and guides for *pro se* litigants
here: <https://www.nvd.uscourts.gov/self-help/representing-yourself-assistance/>.

1 It is further ordered that Hawkins' motion to extend time (ECF No. 5) is granted. If
2 Hawkins wishes to proceed with this action, he must file a complaint by December 20,
3 2021. If he fails to file a completed complaint on the correct form, the Court will dismiss
4 this action without prejudice.

5 The Clerk of Court is directed to send Hawkins the approved form for filing a civil
6 complaint and instructions for the same.

7 DATED THIS 22nd Day of November 2021.

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11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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